

FILED 14 FEB '20 11:01 USDC-ORE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
Eugene, Oregon Division**

Andrew Clark, Plaintiff
3270 Stoney Ridge Rd.
Eugene, OR 97405 541.510.3915
OperationSunriseLaw@gmail.com

Wells Fargo and Company
420 Montgomery St. San Francisco, CA 94163
as Voluntary or Mandatory
Intervenor for Plaintiff
(Subject to FRCP 24)

vs. Defendants:

Wells Fargo Bank
420 Montgomery St.
San Francisco, CA, 94163

Ogletree Deakins Nash Smoak Stewart
C. Matthew Keen, Managing Shareholder
4208 Six Forks Rd Suite 1100
Raleigh, NC 27609

Oregon State Bar Association
16037 SW Upper Boones Ferry Rd
Tigard, OR 97224

Leah C. Lively
c/o Davis Wright Tremaine LLP
1300 Southwest Fifth Avenue, Suite 2400
Portland, OR 97201-5610

Defendant List Continued on Next Page

Civil Complaint Case: 6:20-cv-253-AA

Private Clayton Antitrust Action for Relief of Damages
Caused by Sherman Antitrust Act Violations.
Relief per Racketeering Influenced Corrupt
Organization (RICO) Statutes.
42 USC 1983; Civil Rights Violations.

Pleading of Special Matters per FRCP 9
Filed February 14, 2020. Alternate Dispute
Resolution or Jury Trial Requested.

David P.R. Symes
c/o Littler Mendelson P.C.,
121 South West Morrison Street Suite 900
Portland, OR 97204

Christopher Mixon
Ogletree Deakins
401 Commerce Street Suite 1200
Nashville, TN 37219

Michael Hogan, Hogan Mediation
PO Box 1375
Eugene, OR 97440

Alex Gardner, Forensic Services Div.
Oregon State Police
3565 Trelstad Ave. SE
Salem, OR 97317

Erik Hasselman
District Attorney's Office
125 E 8th Ave
Eugene, OR 97401

Bruce Newton
711 Country Club Rd.
Eugene, OR 97401

Steven Seymour
Samuels Yoelin Kantor LLP
111 SW 5th Ave #3800
Portland, OR 97204

Peter Urias, Seyfarth
560 Mission Street #3100
San Francisco, CA 94105-2930

Christian Rowley, Seyfarth
560 Mission Street #3100
San Francisco, CA 94105-2930

Ellen Rosenblum
Attorney General for Oregon
1162 Court St NE
Salem, OR 97301-4096

Benjamin Gutman, Solicitor General
Appellate Division, Oregon Dept. Justice
1162 Court St NE
Salem, OR 97301-4096

Sabastian Newton Tapia
Attorney for Lane County
125 E 8th Ave
Eugene, OR 97401

Barry Davis
31660 Fox Hollow Rd.
Eugene, OR 97405

Ben Miller
Attorney for City of Eugene
125 E 8th Ave
Eugene, OR 97401

David Campbell, Lewis Brisbois
888 SW Fifth Avenue Suite 900
Portland, OR 97204

Vanessa Nordyke
DOJ Trial Division
1162 Court St NE Salem OR 97301

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Meet me in the police car video on my way to jail: www.RisePatriot.com

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7. List of Defendants and their Contribution to a Continuing RICO Enterprise.

15. Statute of Limitations Has Not Began Tolling Due to Obstruction of Evidence.

16. PACER Records are Completed Discovery for the Clayton Antitrust Action.

A jury, or fact-finder can be guided through the PACER record of below three cases to the vast discovery submitted to the court. They will find that Defendant-attorneys used boilerplate legal pleadings, public corruption, and fraud of official systems to obstruct the court from learning what they together perpetrated in the name of Wells Fargo Bank and various public employers.

6.11.cv.06248.ho Wells Fargo/Ogletree Deakins Emergency SLAPP suit against me in 2011.... an unemployed lowest level worker who reported in advance to FBI.

6.13.cv.01546.aa 14-35622. First damage recovery lawsuit and related appeal.

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Venue and Jurisdiction: This court is a correct venue and also has jurisdiction to adjudicate the facts and evidence in this case, which were obstructed by Defendants and never heard by the court. My damages and the financial relief I seek both exceed \$75,000. Defendants are urged to look at the Prayer for Relief that was crafted in the spirit of Yates vs. United States, a 2015 Supreme Court case.

Summary of Factual Basis – Wells Fargo Employment Retaliation

I was a lowest level Wells Fargo worker for the last two years of my destroyed career. I reported sales system fraud and other business problems internally to my management.. Internal retaliation was highly illegal and required reporting as a federal crime. I became a Federal Witness in May 2011 while still employed when I was admitted into the Eugene Oregon FBI office to deliver a crime report along with detailed evidence.

Wells Fargo retained Ogletree Deakins Nash Smoak and Stewart (employment attorneys) while I was still employed. Ogletree Deakins attorneys committed or arranged the RICO crimes against me, including a SLAPP-suit used as the basis to conceal evidence of what they perpetrated against me. I promptly filed more in-person crime reports along with evidence at the local FBI office and mailed copies to Wells Fargo, Ogletree Deakins, and various government agencies.

Since then I have been the victim of repeated acts of Tampering and Intimidating

a Federal Witness (serious federal felonies: 18 USC 1512 and 1513). The false arrests and jailing using co-opted local police as agents of Defendants are Mafia-style violations of 18 USC 1201: armed kidnapping of a Federal Witness. Wells Fargo via its attorneys committed major, ongoing fraud of the court case management system and corruption of state and local government processes to conceal the perfect evidence against them which includes police a/v inside my home and inside police headquarters. Hear police reporting back to Wells Fargo's corporate security manager in Portland after rousting me at home.

Genuine RICO, including Hobbs Act violations (18 USC 1951), was concealed in courts via pervasive public corruption, both perpetrated almost entirely by Oregon State Bar Association member attorneys who established rules over time that allow them to do whatever they want and conceal it in simulated, color-of-law legal processes. The court audio recordings are shocking. As a mostly-true anecdote, the Salem Witch Trials operated off better facts and evidence than what is heard in any of the court audio recordings or transcripts.

Continued next page

**A Clayton Act Action for Relief from Sherman Act Violations:
A Civil Complaint for Violation of Federal Racketeering Statutes
and Civil Rights Violations.** Ongoing Obstruction of Due Process of Facts
and Evidence in this Banking Employment Retaliation Case Via Defendant's
Fraudulent Use of Official Systems and Public Corruption.

In *Spectrum Sports, Inc. v. McQuillan* 506 U.S. 447 (1993), Supreme Court said:

"The purpose of the [Sherman] Act is not to protect businesses from the working of the market; it is to protect the public from the failure of the market. The law directs itself not against conduct which is competitive, even severely so, but against conduct which unfairly tends to destroy competition itself."

There is no actual competition when a corporation has a proven ability to hire attorneys who inflict false arrest and various other acts of violent tampering to achieve monetary or political objectives. The most basic laws and civil rights of any Citizen are shown to be easily negated by justice industry workers who improperly or fraudulently used low-level justice systems to commit and conceal a series of RICO crimes against me.

Parties to this Civil Complaint and Causes

1. Wells Fargo and Company is listed as a Mandatory Intervenor in my behalf.

Wells Fargo and Company (WFC) policy and training strictly prohibits the described conduct of its subsidiary Wells Fargo Bank and its agents who all violated the Wells Fargo and Company Rules of Professional Engagement. Their coercive and conniving activity has the same result as armed Wells Fargo bank robbery that leaves wounded victims... except pretexted or wrongful attorney fees vastly exceed losses from bank robbery.

2. Wells Fargo Bank, Ogletree Deakins, and Oregon State Bar Association are being sued under relief provisions of the Clayton Antitrust Act: violations of the Sherman Antitrust Act for creating, permitting, or using a business model that includes physically, financially, and emotionally ruining lowest level workers and then obstructing evidence along with justice in all courts. As demonstrated in this case, the Oregon Bar Association ignored and obfuscated my complaints and there is no apparent way to enforce Oregon's laws governing attorney conduct.

3. All Defendants are being sued under RICO Statutes. Violent and capricious RICO crimes were committed against me by Ogletree Deakins attorneys and their agents. Other attorneys, almost entirely members of the Oregon State Bar Association, abused court systems and processes in attempts to cover up what their fellow Bar members perpetrated against me. It appears Defendant Wells Fargo Bank sponsored the activity and paid for it.

4. All Defendants are being sued for ongoing civil rights violations. My First Amendment obligation to speak rightfully of personal harm and evidence that could affect any other citizen was violated. The State is obligated to provide due process of those facts and evidence in a court of equity. Due Process and equity was replaced with broken court software that allows external attorneys to generate robotic "orders" without any court hearings. Local court systems such as Lane County's Risk Assessment Tool permitted massive arrest and jailing by

low-level justice system workers committing obvious system fraud.

5. These individual Defendants are being litigated for arranging or participating in a physically violent RICO enterprise that committed and concealed their crimes against me. The detailed *Pleading of Special Matters* explains the role of each actor-Defendant and what the Enterprise perpetrated and then obstructed in the courts. As previously stated, the PACER record includes all those obstructed facts, copies of evidence material, and a lot more. Here are the names along with a brief summary of their role in the RICO Enterprise perpetrated and obstructed by corporate defendants in violation of the Sherman Antitrust Act.

Leah C. Lively c/o Davis Wright Tremaine LLP
1300 Southwest Fifth Avenue, Suite 2400 Portland, OR 97201-5610

Ms. Lively was the primary contact for Ogletree Deakins and she no longer works there. Her activity is detailed throughout the FRCP 9 pleading. She currently holds an illegally obtained stalking protection order against me but as noted below may not be aware of it. It was awarded as a coerced third party benefit under color of law and under color of official right which is a textbook Hobbs Act violation (18 USC 1951) described in the Pleading of Special Matters and well-evidenced with the letters (Exhibit 8) Steven Seymour mailed which are in PACER and obstructed by Defendants.

Portland employment attorneys claimed an “imminent threat” to them. They did not call Portland police, instead they called Eugene police 100 miles away where they had been working for months (based on the letters) to criminalize me. Any experienced “internal affairs” law enforcement agent will instantly recognize it is an example of manufactured crime involving fully documented public corruption.

Regarding the communications stalking protection order: I have no evidence Ms. Lively was aware *in advance* and I have a small piece of evidence suggesting it was being done behind her back as described within **Exhibit 8**. It does not

diminish her culpability but here is why I think Ms. Lively may not be completely aware of what Ogletree Deakins perpetrated using her name:

1. Leah Lively was, per her company bio, an ex-Multnomah County Oregon prosecutor. She would be fully aware that Defendant Mixon's letters from Nashville TN (within **Exhibit 8**) do not comport to Oregon's communications stalking laws if she had seen them in advance.
2. Ms. Lively never called me or wrote (from her secure office tower 100 miles away) to complain and per job descriptions found online, clerical staff at Ogletree Deakins retrieve material from fax machines.
3. Per news articles, Ms. Lively was married at the time to a law enforcement agent in the Portland area. Oregon has laws that seal their public records so it is not usually possible to determine where they live. I never looked because that would be rude, wrongful, and devious unless I was an attorney.
4. Based on my observations, Ms. Lively would not willingly allow others to portray her as a victim. She would have personally applied for a protection order in accordance with the law if she actually felt stalked via communications.

**David P.R. Symes c/o Littler Mendelson P.C.,
121 South West Morrison Street Suite 900 Portland, OR 97204**

Mr. Symes was the Ogletree Deakins Managing Partner of the Portland Office. He and Ms. Lively took turns as the primary Ogletree Deakins contact. He was responsible for the activity of the Portland office at that time. Curiously, after over a decade at Ogletree Deakins-Portland, he was the first to leave and work elsewhere.

**Christopher Mixon General Counsel, Ogletree Deakins
401 Commerce Street Suite 1200 Nashville, TN 37219**

Mr. Mixon was the person who arranged and/or is responsible for the 2013 false arrest and Hobbs Act violation (18 USC 1951). He was the one who transmitted across state lines and in writing the bogus threat reports against me (**Exhibit 8**) that lead to the 2013 false arrest and the resulting Hobbs Act violation described in the detailed pleading of special matters.

Exhibit 8 shows that Mr. Mixon interpreted Oregon's stalking laws and communicated his opinion to local authorities. Per Oregon State Bar records, Mr.

Mixon is not licensed to practice law in Oregon but that is what he did. Mr. Mixon and Ogletree Deakins as a corporate entity are responsible for the Ogletree Deakins business model of smearing and criminalizing defenseless, unemployed lowest level workers. **Exhibit 1** indicates a much bigger problem due to the way Ogletree Deakins co-opts and causes others to fraudulently use official systems.

Ogletree Deakins could benefit their firm and all of America by joining me on the New Wells Fargo Stagecoach over at www.TheEugeneBlairProject.com. Their corporate use of smearing and false arrest against lowest-level workers strongly indicates they "know all the tricks" and would know how to prevent such tactics industry-wide in the future.

Michael Hogan, Hogan Mediation PO Box 1375 Eugene, OR 97440

Mr. Hogan ran a longstanding "Mediation Mill" out of his District Court Judge's Office. His corruption set the tone for Oregon's justice for decades. Transcripts from the Wells Fargo SLAPP suit 6.11.cv.06248.ho are in PACER and were submitted to the other cases showing total abdication of his court to Ogletree Deakins and Leah Lively. The third hearing transcript shows him actively selling me on his mediation service. Then he also engaged in failed, bogus "mediation" in clear violation of 28 USC 455. I am hopeful that Mediator Hogan will join me by agreeing that the 45 minute session in July 2012 was not actual mediation.

Here is why I believe Mediator Hogan at Hogan Mediation Services should complete the mediation he sold me on in the third hearing of 6.11.cv.06248.ho: He became aware at our first session that his activity in my case of disputed evidence would violate 28 USC 455 and he simply stopped and then retired. No party asked him (prior to this) to complete the failed mediation so his office is probably waiting patiently for an order or a request.

**Alex Gardner Forensic Services Division Oregon State Police
3565 Trelstad Ave. SE Salem, OR 97317**

Alex Gardner was the District Attorney when the 2013 false arrest and Hobbs Act Violation was perpetrated. He was responsible for preventing what ex-Prosecutor Erik Hasselman did to me but at the time he was engaged in a well-publicized career transition. In his current position, he has the knowledge and resources to investigate enough to understand the serious nature of the major federal crimes in which he vicariously participated. Like all the other State's attorneys and officials in this case, he thus far has refused to confer and does not return telephone calls, emails, or letters.

Mr. Gardner could benefit State of Oregon and all of America by joining me on the New Wells Fargo Stagecoach over at www.TheEugeneBlairProject.com. He has a unique combination of experience and knowledge, together we can go far.

Erik Hasselman District Attorney's Office
125 E 8th Ave Eugene, OR 97401

Erik Hasselman was the Major Violent Crimes Prosecutor who is caught in written letters arranging the false arrest with Steven Seymour, agent of Ogletree Deakins hired to arrange their Hobbs Act violation. He is, perhaps, the very most guilty criminal in the bunch. He used his knowledge, position, and intimidation in the most illegal ways possible. Law enforcement should be asking him to explain why he met with Wells Fargo's employment attorneys months in advance and how he was coerced or tricked to file 10 exactly duplicated charges of stalking a corporation (Ogletree Deakins) and Leah Lively. Complete record of this situation is in PACER.

His demonstrated public corruption at an expert level. That indicates he would be an excellent resource to access for methods to prevent wrongful and bogus convictions. Mr. Hasselman could benefit State of Oregon and all of America by joining the New Wells Fargo Stagecoach at www.TheEugeneBlairProject.com.

Steven Seymour Samuels Yoelin Kantor LLP
111 SW 5th Ave #3800 Portland, OR 97204

Mr. Seymour was hired by Ogletree Deakins to arrange the 2013 false arrest and is shown in written letters fabricating a threat used to false-arrest me. He is a key participant in the 2013 Hobbs Act Violation. His activity was analogous to Ogletree Deakins hiring a "hitman" to murder me. They manufactured crime from absolutely nothing as described in PACER documents then used it as the basis of a coerced stipulated agreement that awarded third party benefits under color of law in violation of The Hobbs Act... 18 USC 1951 a predicate act to RICO.

Christian Rowley, Seyfarth 560 Mission Street #3100
San Francisco, CA 94105-2930

Wells Fargo Bank hired Mr. Rowley starting with case 6.13.cv.01546.aa. He repeatedly refused to confer on evidence. Instead he filed boilerplate obstructive pleadings completely devoid of a factual basis. The result of his activity was facts and evidence were systematically obstructed and I was denied any form of due process in the primary or appeals court. He is also responsible for the illegal, unethical activity of his assistant (Peter Urias) and his pro hac vice.

Benjamin Gutman, Solicitor General Appellate Division, Oregon Dept. Justice 1162 Court St NE Salem, OR 97301-4096

Mr. Gutman holds a law degree from Yale so I was never able to speak with him. He continues to refuse all telephone calls and does not respond to letters. Mr. Gutman was used by State of Oregon to obstruct facts and evidence in the 9th Circuit Court of Appeals presented by an Oregon citizen. There is no valid reason for State of Oregon to have wasted immense resources to obstruct the hearing of well-evidenced facts relating to misconduct of its employees and agents but...they did. Mr Gutman acted against the interests of Oregon's citizens and Wells Fargo.

**Ellen Rosenblum Attorney General for Oregon
1162 Court St NE Salem, OR 97301-4096**

I used certified mail to Ms. Rosenblum as required by law when suing the State. That also was to make her aware of what her staff were perpetrating in her name. Like Benjamin Gutman, Ms. Rosenblum refused to answer telephone calls and does not respond to emails or letters. Ms. Rosenblum lacks any form of "immunity" as she did not perform her job function in this case. Instead per news reports at the time, her office was working with Wells Fargo to obtain tens of millions of dollars from the bogus account scandal settlement to the States in exchange for not investigating Wells Fargo. Based on her lack of communication and lack of any apparent accomplishments, she appears to be a figurehead who is paid a large amount of money to obfuscate everything. If Ms. Rosenblum was removed from office tomorrow only a few immediate staff would notice or care.

**Vanessa Nordyke DOJ Trial Division
1162 Court St NE Salem OR 97301**

Ms. Nordyke was State's attorney for 6:14-cv-01103-jr. She refused any form of discussion or conference on the factual basis. She submitted boilerplate pleadings to obstruct the due process of facts and evidence I submitted to that court. It appears State's obstructive response was most likely hired out to private sector attorneys who wasted what could be a large sum of taxpayer money to compile the standard boilerplate. By coincidence, she was named President of the Oregon Bar Association the following year.

David Campbell, Lewis Brisbois
888 SW Fifth Avenue Suite 900 Portland, OR 97204

(and)

Peter Urias, Seyfarth
560 Mission Street #3100 San Francisco, CA 94105-2930

Mr. Urias and Mr. Campbell were the attorneys who submitted a forged judge's order into PACER for case 6:14-cv-01103-jr that directly led to dismissal of case without any form of hearing or discussion of the factual basis. All other defendants participated in the highly illegal results of their forgery.

Sabastian Newton Tapia Attorney for Lane County
125 E 8th Ave Eugene, OR 97401

Mr. Newton-Tapia played a very devious game that is fully documented in PACER. He wrote me letters and conferred with me. Then he lied to the court saying Lane County was not properly "served" and they were. The court staff accepted his lie and of course no aspect of the factual basis was ever adjudicated.

Ben Miller Attorney for City of Eugene
125 E 8th Ave Eugene, OR 97401

Mr. Miller also played a devious game to obstruct facts and evidence in the courts. In case 6:14-cv-01103-jr he filed a set of motions that allowed City of Eugene to not respond at all to that Complaint.

Barry Davis 31660 Fox Hollow Rd. Eugene, OR 97405

Barry Davis is the attorney I hired to file an appeal of 6:11-cv-06248-ho. He stole over \$10,000 in fee deposits and did not provide invoices. He did next-to-nothing and did not file a 'Notice of Appeal' which is what he was hired for. He was given more money for handling a very small 'family court' matter. He essentially stole that money as well. Based upon online reviews my experience is shared by many others. He trolls internet for clients, obtains deposits by telling hopeful lies to potential clients, then he steals the money by sitting at his home office doing little-to-nothing. Oregon Bar Association helped him steal the money by endlessly obfuscating my formal complaints.

**Bruce Newton 711 Country Club Rd #200
Eugene, OR 97401**

Mr. Newton's is my ex-wife's divorce attorney. See detailed factual pleading, items 55 -63. He is named as a Defendant because he (and the court) was fully aware of my job situation yet persistently lied in court claiming a particular intangible asset was a source of cash. That resulted in spousal support staying at \$5,500 (five thousand five hundred dollars) per month despite no income and made me pay her \$9,800 attorney bill for the color-of-law State sponsored abuse of me. Then they tried three times to seize my house, despite the fact my ex-wife already has several, including a gated mansion while I have a relatively modest home.

It was timed to create maximum harm to me which diminished my ability to respond to the Wells Fargo/Ogletree Deakins SLAPP suit and the false arrest. I feel Bruce Newton was an *active, knowing participant* in the RICO enterprise but do not have evidence, which would likely have been a phone call. What is clear is Mr. Newton's *vicarious participation* in the RICO enterprise.

Nobody would want to be treated as Judge Valerie Love or any of the judges did to me. The court audio is on www.WellsFargoWitz.com. Mr. Newton had a greater duty to his client and the court to fully report the sudden and dramatic interface of family court with the criminal/civil courts. Instead he continued to lie and stole over \$125,000 in legal fees from my family to endlessly adjudicate a flawed "marriage settlement agreement" he wrote and conned me into signing in his office long ago entirely based on his self-serving LIES and my misplaced trust.

The activity of Bruce Newton and his partner William Bromley in my case is nothing short of stealing from me for years and methodically making statements in court that seem like he is setting up my assets and estate for later plunder.

Mr. Newton could benefit State of Oregon and all of America by joining me on the New Wells Fargo Stagecoach over at www.TheEugeneBlairProject.com. He has a unique combination of experience and skills of the many ways to use family courts to abuse citizens. That expertise can be accessed for ways to prevent such abuse of citizens in the future.

Statute of Limitations Has Not Started Tolling: All criminal activity and obstruction occurred within the last 10 years and continues: obstruction or manipulation of justice to conceal discovered evidence is a continuing RICO

crime and/or a Sherman Act violation. My case indicates an immense national problem with America's completely unregulated attorney industry. The cause for a Clayton Action continues to be amplified. 'Smearing' and 'false arrest, aka SWATing' and lack of meaningful recourse are nation-ending problems. The blind faith in crudely programmed, easily cheated low-level computer systems is a relatively new (and possibly terminal) problem for humanity.

PACER Records are Completed Discovery
IMPORTANT NOTICE TO DEFENDANTS AND LAW ENFORCEMENT
Obstruction of Justice is an Ongoing RICO Crime

I put copies of evidence material into court on multiple occasions. Formal authentication and 'discovery' by the court was obstructed by Defendants as recorded in PACER records of the below case numbers. Now, formal discovery can be drawn entirely from the PACER record because it shows Defendants used a generic legal response that obstructs and impedes due process of any set of facts and evidence presented by a Citizen-worker. PACER shows a completely simulated (a.k.a. color-of-law) legal process absolutely devoid of consideration for facts, evidence, or anything other than attorney's ability to perpetrate the most ghastly crimes against workers and conceal it in the courts for years, presumably at the expense of their clients and the public.

The detailed facts and copies of most evidence including a thumb-drive of the obstructed police audio/video is already in PACER and our local court systems

such as OJIN. They are also posted **www.RisePatriot.com** and family court: **www.WellsFargoWitz.com**. Hear actual police and court a/v that shows how all processes were abused against me in concert with each other.

My factual pleadings are those of a badly damaged, outraged lowest-level worker/citizen doing all possible to have facts and evidence subjected to Due Process in the courts. Defendant's pleadings are boilerplate legal forms, devoid of relationship to facts and evidence. It is vacant paper that supports the 'color-of-law' legal processes carried out in unedited case management systems, all of which encourage dismissal based upon the way they are "scored" regardless of facts/evidence. These are the court records:

6.11.cv.06248.ho Wells Fargo's Emergency SLAPP suit against me in 2011.... an unemployed lowest level worker. I was sued over nothing. Ogletree Deakins SLAPPED me after SWATTING me. That was the mediation mill and "court" of retired mediator/Judge Michael Hogan. Ogletree Deakins sealed major parts of the PACER record to conceal their crimes and lack of knowledge. I paid a local attorney (Defendant Barry Davis) to file an appeal and he did not; instead he stole over \$10,000 from me in "legal fees". I reported it to the Oregon State Bar and they actively worked with Barry Davis to hide the fact that he literally stole the money and did not provide invoices or services.

6.13.cv.01546.aa 14-35622. My first damage recovery lawsuit and appeal.
6:14-cv-01103-jr 17-35247. My second damage recovery lawsuit and appeal.
The audio recordings and local justice system records from State of Oregon's circuit court information system. Wells Fargo and its attorneys used the unedited criminal prosecution systems here in Lane County to commit repeated false arrest and other tampering.

Prayer for Relief

The following items are some suggested items of relief. The Supreme Court's reasoning in the 2015 case *Yates vs. United States* provides a legal basis for any form of collaborative solution. We have a lot of opportunity and alternative dispute resolution can help us maximize Progress for all.

Declare that Defendants have and are violating Plaintiff's fundamental constitutional rights to life, liberty, and property by committing and concealing evidence of various acts of tampering and long-term legal battery.

Declare that Defendant Ogletree Deakins self-generated fee billing (Docket 137 in 6:11.cv.06248.ho) and all accrued interest is an example of a violation of constitutional rights to due process.

Order Defendant Ogletree Deakins to withdraw the aforementioned fee billing and ensure it is removed from the credit reporting agencies.

Order an internal investigation of District Court of Oregon's fee awards in that timeframe. Where there is one there is likely to be many others, particularly for large corporate and government clients who typically just pay the bill.

Order Defendants Ogletree Deakins and/or Leah Lively to file with Oregon's circuit court a motion to dismiss the improperly-obtained stalking protection order that resulted from the (alleged) Hobbs Act violation.

Order Defendants Alex Gardner and/or Erik Hasselman to expunge all criminal and police records against Plaintiff relating to the 2011 and 2013 arrests.

Order Plaintiff-Intervenor and/or Defendants to individually and/or collectively pay Plaintiff the sum of \$12 million representing compensation for services rendered and general economic damages.

Declare that communication stalking protection laws are only for use by individual citizens because a corporation cannot be stalked; just as a corporation cannot be raped, murdered, or poked in the eye with a sharp stick.

Declare that any system, policy, or rule applied to a Citizen must reasonably comport to the constructs of the underlying law. For example, in Lane County the Risk Assessment Tool (RAT) allows "bad faith" or fraudulent use of the system as a method to deliver full penalty of the law prior to and instead of trials. It allowed total circumvention of Oregon's law regarding grand juries and bail in my case. Another example: this court and the 9th Circuit Court of Appeals use a

case scoring system that causes most cases to be administratively dismissed regardless of facts and evidence. Systems that directly or indirectly provide the color of law to such activity endanger the public and are unconstitutional.

Optional Relief Available to Defendants

Declare that based upon certain court pleadings and other facts, Plaintiff has been a Wells Fargo Agent since contractual employment ended in June 2011.

Declare all police and court records generated by this and preceding related cases to be a tangible result of a Wells Fargo & Company corporate project known to this Court since August 22, 2011 as "The Eugene Blair Project". Documents submitted to the court indicate it was coordinated by Wells Fargo Corporate Strategists, starting in April 2011 to control corporate risk.

Order Wells Fargo and Company to pay Leah Lively, David P.R. Symes, Christopher Mixon, Bruce Newton, Erik Hasselman, and Alexander Gardner \$100,000 each for their contributions to The Eugene Blair Project. Declare that project results are vast and will yield benefit to Defendants into the future, particularly Plaintiff-Intervener Wells Fargo and Company and other large corporations. Of immediate benefit is the next declaration.

Declare that corporate management and workers generally cannot and should not be held criminally liable for activity that is not reasonably within their control as the Sarbanes-Oxley legislation allowed. In this situation, a lowest-level worker performed specific reporting to a large number of federal agencies, including FBI. Employment attorneys clearly acting against the interests of Wells Fargo were able to prevent any form of investigation and were able to arrange mafia-style false arrest of the employee and then conceal it with simulated legal processes.

Signed,



s/ Andrew Clark

Andrew Clark 3270 Stoney Ridge Rd. Eugene, OR 97405 541.510.3915

February 14, 2020. OperationSunriseLaw@gmail.com

Declaration and Pleading to FRCP 9 follows

Detailed List of Facts Presented in Accordance with Federal Rule of Civil Procedure Nine (Pleading Special Matters)

Declaration of Plaintiff Andrew Clark

I swear under penalty of law that all the below statements are true and based on evidence, copies of which has already been repeatedly submitted to PACER. I included a few key exhibits with this Complaint.

Foreword: Some of the below facts or statements are presented to provide complete context. For example, items 1 – 20 provide context of employment and the FBI reporting. All material facts are well-evidenced in PACER. Evidence includes hard-to-get internal police and court audio recordings. Most is linked via my various Websites, it was all obstructed from hearing. My primary evidence sites are: www.RisePatriot.com Family court: www.WellsFargoWitz.com

I was gainfully employed for nearly 30 years. My final two years were at Wells Fargo. In all my experience, “retaliation” was a vague excuse used by workers whose employment was terminated. “What are you being retaliated against for?” and “exactly what did they do to retaliate?” ...nobody could ever tell me. I learned the hard way, in spades.

Actual “retaliation” consists of extremely violent physical, emotional, and financial attacks in my case inflicted by Wells Fargo’s employment law firm “Ogletree Deakins”. As you will see, the legal assault is coordinated to destroy the worker-victim’s ability to defend themselves. It is designed to destroy a victim’s credibility and criminalize him. It is designed to financially and physically destroy the victim and his family. **Exhibit 1** is one of many available articles showing Ogletree Deakins was elsewhere involved in fee gouging and use of ‘false arrest’ tactics via system manipulation in the same general timeframe. The details of that case fully support allegations in this case.

Description of 2011 FBI Evidence Deliveries: My 2011 FBI/DOL Wells Fargo Operations Report had two main parts. The 150 page report filed 5.25.11 was devoted to well-evidenced problems I personally witnessed or was involved with in my workplace such as unpaid overtime and abusive sales practice. It is posted at: www.RisePatriot.com After police came to my home on 7.18.11 I updated my report with those and other matters and was again admitted to Eugene’s FBI office to deliver

that material 7.28.11 . I performed other in-person and via mail Reports to FBI including my 2014 USC 14141 reporting police abuse in Eugene OR.

Items 1 -20 are to provide background facts leading to the RICO Crimes

1. I worked at Wells Fargo Home Mortgage in Eugene OR from 2009 to 2011... the last two of my terminated 30 year career. I was commissioned and earned just over \$200,000 in 2010, my final year which was consistent with the prior ten years. I had an excellent reputation among Realtors and Clients. I passed the CPA examination in 1985 and always worked in finance.

2. Immediately after being hired in 2009 I was required to enter my entire book of business...in detail...into a Wells Fargo Sales Support System. No prior employer ever asked that of me. It was required of all mortgage originators and enforced via a bombardment of emails from various layers of management so I complied. I felt it was wrong but soon was very busy finding and attempting to close the loans.

3. Every week all mortgage originators were compelled via bombardment of emails from various levels of management to input at least six "sales calls" into the Wells Fargo Sales Support System. I included a sample of those emails in my 5.25.11 FBI and Department of Labor filing while I was still employed. We were forced to enter all sales contacts as "in person". It was commonly discussed and openly rumored to be in support of our federal classification of "outside salesperson" when in fact almost all of our time was spent internally processing loans.

4. Effective April 1, 2011 I and all others in my position were once again compelled to sign updated Wells Fargo employment contract changes. The education requirement for Wells Fargo mortgage originator was lowered from "college degree" to "high school diploma". We became 'registered mortgage originators' under then-new "SAFE Laws".. It required fingerprinting and lifetime background check via FBI and I passed and was issued number: 423909.

5. We were also required to fill out timesheets which is virtually impossible for a highly successful commissioned mortgage originator who is 24/7 at the beck and call of Realtors and Clients. Overtime was paid at \$12/hour but was recovered from future commission income. That created a situation involving unpaid overtime, delivered via a nationwide Wells Fargo payroll system. Lawsuits by others in 2013 finally identified what I reported in detail to Dept. of Labor (Portland OR Office) and local FBI Office on 5.25.11 and many different times after that. Among obvious facts that appear to have avoided scrutiny:

a. The Wells Fargo nationwide payroll system was programmed and tested to perform the complex recapture of overtime. That presumably included careful review by attorneys who claimed it was legally sound when in fact it was an extremely devious method to achieve an illegal objective.

b. The 2013 lawsuits resulted in tiny payouts...a few hundred dollars or less...to a fairly small group of employee-victims. The legal fees paid to the participating law firms appear to have reached into the millions of dollars. That situation is typical of other lawsuits. For example, in the recent well-publicized 'bogus account' scandal (I reported that among my 2011 FBI/DOL filings as did other employees)....most customers had no damages or harm yet it was brought into court in Los Angeles. The sole beneficiaries appear to be the attorneys.

6. April 5, 2011 Dodd-Frank disclosure and yield spread changes and the new employment contract created what I considered to be an illegal and immoral employment situation. Within two weeks it was painfully apparent from my Realtors that the Wells Fargo retail interest rate was 1/4% higher than competition including affiliated companies such as Provident Savings. It had become obvious and certain with April 5, 2011 Dodd-Frank changes to Good Faith Estimate of Settlement costs which under Dodd-Frank at that time was construed to be a contract to lend money at a certain rate and fee.

7. In compliance with Wells Fargo policy of elevating matters quietly to the correct level I sent a detailed letter to Mark Oman, then SVP of the mortgage operation. It is attached as **Exhibit 2** (but without the 22 pages of technical proof of higher rate).

Division-wide the daily email bombardment suddenly came to pause. **My while-employed reporting was of serious banking matters but at every turn they tried to 'morph' it into imagined interpersonal nonsense.**

8. My manager scheduled a formal "Plan Review Meeting" with me. Several longtime workers told me they never heard of such a meeting and we did not have "plans" to review. It turned out to be the first obvious act of retaliation: I was yelled at and scolded for making a big deal out of longstanding business practices. I was told to quit if I did not like it at Wells Fargo. (Remember...they had my book of business in their Sales Support System and Oregon is an 'at will' employment state).

9. Internal retaliation for reporting started immediately via Des Moines Human Resource Dept. via telephone. Elise Reiser was my HR contact and she made me follow rules nobody else had to. For example, she would bug me endlessly about correct time sheet reporting but nobody else was similarly badgered or reviewed. My emails were all routed to her regardless of who I addressed them to. She told me that repeatedly. She would pick apart any email she could but nobody else was subjected to that.

10. My loans in process were subjected to special underwriting review out of the Wells Fargo Minneapolis headquarters which increased customer wait-times and lowered my income.

11. I reported various aspects of the business issues and the internal retaliation to Wells Fargo's Ethics Line three different times from April to June 2011 when I was terminated.

12. Retaliation for internal reporting consisted of extremely disparate treatment as described above. Elise Reiser in HR also pushed "Employee Assistance Program" on me and insisted I called them. I called to make them aware I was not in need of mental health services and I advised Elise Reiser of that.

13. I thought that perhaps some historical perspective would help Ms. Reiser understand that use of mental health resources to paint a person as 'crazy' is a crime against humanity even though it is apparently legal to do that to employees in the

United States. In an early May 2011 telephone call with Elise Reiser I explained to her what was happening to me seemed a bit like "Crystal Night," when all over Nazi Germany Jewish businesses and synagogues were badly damaged which portended what was to come. I told her and emailed her that "I felt like a Jew on a train to be burned". I have no religious affiliations but enjoy studying history.

14. Incredibly: a few days later Elise Reiser once again told me to contact Employee Assistance Program. She gave me a San Francisco telephone number of **Peggy Burns** who was then on Wells Fargo's tab. I found the last name to be hysterically funny on one hand but incredibly ghastly on the other. I googled and her website and practice was entirely devoted to conservative Christian/Catholic marriage and family counseling and she also advertised her Wells Fargo connection. I called Peggy Burns and told her Elise Reiser asked me to call but I was sure I did not need her services. She said "Oh but I think you do" and I hung up on her.

15. *Retaliation using mental health resources and retaliation involving perceived personal fears and perceived religious or ethnic affiliations required formal FBI crime reporting and evidence delivery of the underlying business issues. I started collecting evidence of the business realities and the retaliation by printing it from the Wells Fargo email and production systems.*

16. **After I was done** collecting and printing what I could and had my package all ready to file: I advised Elise Reiser I would be printing out material to file with Department of Labor and FBI. By the end of that day in May 2011 the Wells Fargo laptop was remotely de-activated. It would not even turn on.

17. I was admitted to the local Eugene Oregon FBI office to deliver my report and evidence on 5.25.11 and I overnighted a copy to Portland Dept. Labor which I confirmed arrived and had been assigned to a DOL worker. I also provided a copy to my manager.

Intimidation and Tampering of a Federal Witness Starts

18. Retaliation using fear tactics continued. Within a week I was working in the evening

from home a small message appeared for a few seconds advising me I was connected to "Wells Fargo India Solutions" and the transmission speed was shown, which matched a common satellite video transmission speed. Remote activation of audio/video features of corporate devices was common and legal in 2011. I saw how it could be wrongly used and reported its abilities. I am sure Wells Fargo management would not like it in their homes.

19. Prior to termination in June 2011 I was emailed by Katie Johnson, another Wells Fargo telephone HR worker that I had a public record of a serious crime in Benton County, OR. I explained in horror that was incorrect and that FBI had performed a lifetime background check just a couple months prior and no such records existed. They insisted I drive to Benton County and obtain proof there was no criminal record. Two senior records clerks in Benton County examined all public records and found nothing under my name or any similar name. Corporate attempts to manufacture criminal records to retaliate is novel and required yet another call to the Ethics Hotline.

20. I also filed a Sarbanes-Oxley complaint with OSHA, which had just that month received the task of performing Sarbanes-Oxley investigations. My complaint was accepted and I received the confirmation letter in mail the day after I was terminated. Incredibly.....after all of the above...Elise Reiser called me on June 28, 2011 to bother me some more and in sheer exasperation I finally told her to "go fuck herself and I that I will deal with it in court."

21. Oregon is an 'employment at will' state. I was subjected to insane retaliation for almost three months as described. I reported all operational aspects possible along with evidence printed from the Wells Fargo system. Business issues meant less-than-nothing to Elise Reiser in HR...her sole focus was innuendo, the more salacious the better. Within an hour of telling Elise Reiser in Des Moines to go fuck herself my employment was finally terminated on 6.28.11 which in Oregon makes job transition much easier.

Hello RICO. Hello Nuremberg. Deadly Tampering Starts.

22. I filed a post-employment complaint and was assigned to an HR Rep in Minneapolis named Timothy O'Hara. I complained about the bizarre internal

retaliation including racial/religious slurs. Somehow, most likely via Ogletree Deakins, Eugene Police SWAT had the email a week later and are heard on police audio in my home using it as a reason to be there.

23. The police audio of July 2011 events described below was not available until late October 2011...after Wells Fargo/Ogletree Deakins repeatedly denied any possible involvement. I knew it all was recorded but it took months to obtain and process the data files. I never had a website until July 31, 2011 when I felt it necessary to preserve the evidence given what happened July 29, 2011. Lowest level workers learn fast.

**Corporate Use of Police to Roust a Worker at Home at Night is
a Terrifying Act of Tampering/Intimidating a Federal Witness**

24. On July 18, 2011 I returned home in the evening to a police car parked near my house and saw two very large City of Eugene OR police officers in uniforms in my yard peering into my window. I was frightened and assumed a burglary in progress and drove up the street a few hundred feet, parked and walked back. As I approached, police identified me and told me they were there because Wells Fargo sent them to follow-up on an email and for a "well-being" visit. They told me I would be recorded. I invited them in and they maneuvered me into a chair in a corner of my own home.

Right after the police left, I called non-emergency police to file a complaint against the highly illegal visit by night police. I drove down to the police station and waited for the officers to arrive. While I waited I ordered and paid for the police dispatch records. I spoke with police outside of their headquarters. I very specifically told them of retaliation. A transcript of that police interaction and the audio recording is in PACER and on **www.RisePatriot.com** or **www.WellsFargoWitz.com** . I am heard speaking with the police for several minutes. The officers went inside HQ but left their belt-mounted recorders on. It is sometimes hard-to-hear audio of police when they thought nobody was listening. Headphones make hearing it much easier.

25. Police can be clearly heard in their HQ discussing my lack of sanity and one of them says "Wells Fargo offered him mental health but he refused". Police can be clearly heard thinking my FBI/CIA reporting to be examples of "crazy". Then...incredibly... one of

them calls Martin Ogno, Wells Fargo Corporate Security in Portland Oregon and reports the outcome of their police visit to my home. Minutes before police denied they had such a contact. That part of the audio recording is so clear it is almost possible to hear Ogno on the other end of the phone. Contrast the suspicious attitude and prejudicial tone of police when speaking with me, a local homeowner and citizen. Then listen to them kissing up big time to Martin Ogno of Wells Fargo. It is very meaningful.

26. Sometime after they left the restroom they met with a superior officer. That portion of the audio recording is faint but can be clearly heard with headphones. They attempt to input a code into a computer system to move the police visit over to the fire department records. They can be heard failing at that. It was because I had paid for the record while I waited which locked it in. What police are heard doing on accidental internal audio was illegal and shocking beyond comprehension as it allowed them to create or deny any reality they wanted to. Go listen...it sounds like they did it all the time. I wrote them in no uncertain terms how illegal that was and that simple, automated correlations of their cellphone 'ping' data, COBAN (police recording system) records, and dispatch records will reveal all sorts of inconvenient truth.

27. Then came the internal police meeting, unique and historic audio. What has been happening since the dawn of time was recorded. It is the moment that police abandon reason and go with whoever they perceive to be in charge. One of the police officers indicates his concern that their activity may actually be 'retaliation'. Then another (superior) officer shuts him down completely by insisting I am crazy. The police audio transcript is included in **Exhibit 3** and the audio is posted on my websites previously specified.

28. Again: I did not have any of the audio recordings in July 2011 but knew I was being recorded and assumed I would eventually be able to get a copy. I did not expect the all-important internal police audio. Until I received it, I honestly believed Eugene Police made an error because I could not imagine at that time it was carefully orchestrated by Wells Fargo et al.

29. The apparently accidental recording captured absolute proof of a genuine criminal conspiracy to retaliate and tamper with me. It captured a Wells Fargo security worker lying to police about FBI processes. According to Martin Ogno of Wells Fargo corporate security: "FBI did not take my reports seriously" and he went on to discuss my Wells Fargo bank balances with police.

30. On July 21, 2011 I received an email from OSHA regarding my SOX investigation. It asks for personal computer and telephone records. I believed it to be some form of fraudulent email because OSHA had barely started the process. I had already furnished them significant material to review, it made no sense they would want more. I searched and found no precedent of such a demand in an OSHA investigation. It "looked and smelled bad" so I complained via email to Timothy O'Hara at Wells Fargo.

31. Around the same time I received a letter from "Leah Lively" at "Ogletree Deakins" and she did not identify herself as an attorney. I searched and was horrified when I found out Leah Lively was an attorney. My search also pulled up other facts about Ms. Lively such as: 1) "Oregon Live" interview in which she opposed spending money on Christmas Lights on a Portland bridge and instead wanted it spent on police. 2) her husband was a police officer of some type 3) she had been a Deputy District Attorney in Portland 4) she recently returned from a very lively European Vacation which featured a tour of World War 2 D-Day beaches and perhaps a visit to friends and relatives resting at La Cambe. Then they board a train via Paris taking them directly to the Money Capital of the World: Basil Switzerland, perhaps to visit their Swiss bank accounts considering how upset Ms. Lively got about the facts accidentally discovered when I was compelled to determine who she was and why she was writing me dunning letters.

32. Leah Lively later complained to the Court that I had no right to perform that search and if she had identified herself as an attorney in her early letters that would not be needed. **Meanwhile, I was just becoming aware Ogletree Deakins was brought in around May 1, 2011** when I was still employed and had run an incredibly detailed special investigation of me using Westlaw Information Services.

33. Among police audio records received a couple months later I obtained the Police Dispatch call record...seemingly a 911 call... that triggered police action the FOLLOWING day. A lowest level Securitas contractor was used to make a bogus 911 call on 7.28.11 . Wells Fargo's "Emergency" was dealt with the next day with false arrest. **Exhibit 3** contains the 911 call transcript, audio is posted on **www.RisePatriot.com** or **www.WellsFargoWitz.com**. It is obvious to anyone it is Wells Fargo setup using a Securitas contractor as a middleman. Not so obvious is that Ogletree Deakins was orchestrating it all and/or was responsible for what was inflicted against me starting around May 1, 2011 when they were brought in by Wells Fargo when I was still employed there.

Mafia-Style Kidnapping via False Arrest

Kidnapping #1 to Terrorize for Political or Pecuniary Motivations

34. On July 29, 2011 SWAT police with a canine unit came to my home, knocked on my door, and suddenly grabbed me and placed me in handcuffs. Two SUV's and two squad cars were used in the early evening. Neighbors later told me police with rifles were in the woods behind my home. Police made every attempt to enter my home and I would not allow it. I had on a t-shirt and shorts. I was not allowed to put on my shoes. I was force-marched barefoot and handcuffed behind my back in front of the entire neighborhood to the line of police vehicles. Police recorded me with in-car audio/video and I obtained and posted that on **www.RisePatriot.com**. I did not make a transcript it is just me talking. The 'best' scenes are at the end...me being taken into the jail by an immense police officer.. handcuffed and barefoot.

35. After all that, I was charged with "Second Degree Municipal Trespass" which is the absolute most minor crime there is and never before had involved SWAT resources and jailing. I had not trespassed and knew Wells Fargo's bank camera systems would prove that. The charges were later dropped but damage done by mugshot publication and jailing by Wells Fargo and employment attorneys (Ogletree Deakins) never goes away.

36. I was placed in the "drunk tank" which is a tiny concrete room with many chairs and a very loud television. I attempted to explain my situation to the jailers and I was advised I had no rights whatsoever when in jail. I used the telephone to report my

jailing to FBI and a jailer told me to stop doing that. I witnessed a young man curled into a fetal position in a corner on the floor obviously in some form of extreme distress. It was very cold, especially as I had been taken from home in t-shirt and shorts. No bed or bedding was provided. When I complained about that I was placed into a cell with no toilet and even colder. It had a concrete platform I could lay on but no bedding of any form. I asked for a blanket...even a dirty one... and was told that budget cuts did not permit it.

37. Eventually I had to urinate. The jail staff area was near my cell and I could hear them talking or laughing sometimes. I banged on my door and loudly proclaimed I needed a bathroom. It got completely silent in the staff area for a minute or so. I waited and banged on my door several more times. I was hurt and angered by their inhuman withholding of a toilet and blanket. I realized there was absolutely nothing I could do except report it endlessly after release along with all else until someone listens and makes changes.

38. When I could hold it no more I was compelled to urinate on the floor. Within minutes a jailer opened my cell and called me an animal for urinating on the floor. I told him I had no choice and asked for a mop so I could clean it up. 10 minutes later, the jailer brought a FEMALE jail inmate over with a mop and bucket. I once again pleaded to clean it up myself and was refused. I was forced to watch the woman inmate clean my urine off the jail floor.

39. I was eventually released the next day, 18 hours after I was taken from my home. I asked for a ride home as I was taken with no shoes. I was told that was my problem. I walked about a mile towards my home and noticed a taxicab waiting near the Greyhound Bus station. I had no money or ID. I was barefoot and dressed in a t-shirt and shorts. I explained to the driver I had been in jail since the day before and had money at my home. I gave him my address just a couple miles away and he took me there and waited while I ran up to get his fare plus a big tip.

40. That same day, July 30, 2011 I started work on my first-ever website. At first its

sole purpose was to make the FBI/DOL filings available to attorneys as it appeared litigation was possible and police had just made every attempt to enter my home for no apparent reason. I had signed up for email services with an Internet Service Provider called "Simplicato" in New York City. They specialized in legal and medical communications which needed to be secure and archived. I called them and asked them to activate my ability to publish a website and they did.

41. I placed my Wells Fargo Operations Reports (the FBI/DOL/SEC reports) online July 31, 2011 on the second page of a crazy-looking website. I knew that in 2011 85% of people did not click to a second page of a website. I also knew there were then about 4 billion websites and any given one was nearly impossible to find unless directed to it.

Out of professional obligation, I promptly notified Wells Fargo via email to Ogletree Deakins that I had placed material online in preparation for litigation. That is what prompted the August 4, 2011 Ogletree Deakins letter telling me I was being sued in federal court by Wells Fargo. Suddenly within one week: I was involved in two major legal processes: the trespass charges and the federal lawsuit.

42. I complained in writing to Leah Lively... Portland attorney and ex-deputy DA in Portland. that I had an extremely high spousal support obligation (\$5,500 per month) and was behind due to lack of employment. Two days later Eugene Oregon Divorce Attorney Bruce Newton filed a garnishment for \$20,000 and I was completely wiped out of cash.

Ogletree Deakins Employment Law SLAPP and Violation of 28 USC 455

43. I started receiving lawsuit material in my email, my mailbox, and delivered via a parade of process servers. Given the police action a couple weeks prior, every knock at the door and every pile of paper was depressing and frightening. At first it all "looked like Greek" and then I realized it was mostly duplicated material. However....parts were not duplicated. Just sorting it out was intimidating considering my only legal background was via the CPA training and watching LA Law on television in the 1980's

when my children were babies.

44. I was told to remove the website...just days after I put it up. Had I not told Ogletree Deakins about it they obviously would never have known. I went to their website and saw they were advertising an "Internet Threat Response Program" for their corporate clients and that is when I became of the opinion Wells Fargo had no idea what Ogletree Deakins was doing and it was all about Ogletree Deakins and their legal fee income. I took the website down, it made no difference, the train just kept rolling.

45. Their lawsuit (6.11.06248.ho) was accepted by our local district court on "Emergency Basis" with first hearing on August 22, 2011....just a couple weeks away. Despite no cash I called a few attorneys and left a message about the emergency hearing in federal court. Nobody called me back. I called the Oregon State Bar to complain and I was given their Referral Hotline. I made a couple more calls and left messages but never received a call back.

46. Within days of the lawsuit being accepted by the court and prior to any hearing of any form the first "Judge's Orders" came out: My website was legally shut down by court order. A copy was sent to Simplicato and they terminated my email and website instantly. Those orders are in PACER under Case 6.11.06248.ho which started as 6.11.06248.tc

47. I realized I needed to understand the legal filings so I intently studied them. I performed internet research (fast and furious). I found the following information and treated it as fact:

- 1) Lively had filed over 40 such lawsuits and never lost a case.
- 2) Nationwide no employee I could identify ever won such a lawsuit against them.
There probably are some but I could not find any.
- 3) Judge Michael Hogan was a highest-level judge with unique power and authority.
- 4) The legal filings in a lot of the cases looked really similar. I learned much of the legal industry uses complex forms called "boilerplate" which explained how fast they were able to create the lawsuit filing.

- 5) Wells Fargo via attorney signed a declaration saying there was at least \$75,000 in damages from my alleged actions in order to file in district court. (At the time of filing Wells Fargo had absolutely zero damages except those inflicted upon it by Ogletree Deakins. Wells Fargo lied about an emergency and lied about damages.)
- 6) *And most important of all: Employee reporting to FBI in advance is extremely rare and the person is federal witness/informant. It is a federal crime report per Criminal Resource Manual 1729 that was an active document at the time.*

48. Then I went through the claims against me in detail and they can be confirmed via PACER. It looked more like a list of criminal offenses:

- 1) Various cybercrimes related to the Wells Fargo laptop computer I had in my possession after termination.
- 2) Releasing "confidential" Wells Fargo Client Mortgage Account Numbers
- 3) Disclosing company trade secrets.

That is when I knew for certain Ogletree Deakins had absolutely no knowledge of my job or Wells Fargo technology. They sell an expensive gangland generic legal response.

Obvious and well-known to all:

- 1) the corporate laptop ...most any corporation... is a secure terminal into the even more secure 'mainframe' systems. No data is on it. Data is on the internal systems accessed by the device. All passwords are deactivated upon termination and the device itself is remotely deactivated so it will not turn on. All that is standard practice.
- 2) Wells Fargo then employed about 5,000 mortgage originators. There were no secrets...just a lot of stuff they wanted to hide from regulators and law enforcement.
- 3) Under Dodd-Frank (then) it did not seem legally possible to have secrets related to mortgage acquisition.

49. *And most important to me as a financial professional and CPA (non-practicing): Generally unknown to everyone but Wells Fargo Mortgage employees, the Retail Wells Fargo mortgage loan number was in 2011 not confidential. It had long been a public*

record printed on the recorded Deed of Trust. Its only usefulness was to make a payment. Attorneys lacked business knowledge and got caught.

50. I honestly felt sorry and embarrassed for Leah Lively and Ogletree Deakins at the time. They were clueless. Their previous cases seemed to be employees with personal problems. I explained the simple facts in writing along with documentation. At that time I still thought the arrest three weeks prior was an error. I mentioned it in court, Leah Lively started to respond and Elizabeth Falcone cut her off mid-word. Still, at that time I felt sure Judge Hogan and Ogletree Deakins would be most thankful for me handling their horrid mistake and total lack of business knowledge so quietly.

51. I went into court on 8.22.11 dressed in suit, tie and white dress shirt...just as I had for most of my career. There were three Ogletree Deakins attorneys from Portland and others in the vast and dimly lit courtroom. My manager's boss (Doug Grenz) was there for Wells Fargo and we exchanged pleasantries. **Exhibit 4** is the first few pages of the transcript of that short hearing to give the reader an idea of what I faced. My oratory was meant to heal everything. Then minutes later Judge Hogan meanly yelled at me to look only at him and not around the (magnificent taxpayer/citizen funded) courtroom. Then he proceeded to demand Wells Fargo secrets from me...in open court. It was heartbreaking and shocking: I considered his questioning and attitude to be insane. Then I learned he had been judging at extremely high levels since he was 26 years old and so I felt he really didn't know any different because everyone was intimidated by him. Absolute power corrupts absolutely.

52. Still...I was certain that once his staff read my filings it would all just go away and I could move on. I had to turn my focus to my \$5,500 per month of spousal support and to the municipal trespass matter. I made sure to submit motions to each and every "court" explaining how the legal system was being used in concert against me. Responsibility and culpability for that situation lies with Defendant: Oregon State Bar Association. My humanity was irrelevant to them; I was reduced to their paycheck.

53. I obtained all the police reports from the 7.29.11 arrest. I still did not have the

audio recordings. The police reports are in PACER among all the other obstructed facts and evidence. They did not appear to have a valid arrest warrant at time of arrest. It was signed after-the-fact from what I could tell. Worse: the police reports are almost entirely outright lies. Police claimed I threatened to rape my bosses and that they repeat that along with copious amounts of other psycho-sexual boilerplate. Both bosses for 100 miles were **men** and neither reported a fear or fantasy of me raping them. It has nothing to do with 'trespass' and everything to do with company-directed police forces.

54. Exhibit 5 is a recent crime report, once again following up on an unanswered detail. Exhibit 5 analyzes two of the 30 page bogus police report. A police officer wrote that I and my motor vehicle data was placed into a special system for police only use in order to identify violent offenders in the future. I wrote many letters to police and other agencies explaining that is JUSTICE COMPUTER SYSTEM FRAUD and to tell me exactly what system was used. I received no responses. I learned that most likely I was entered into the FBI's NCIC system (specifically the National Incident Based Reporting System – NIBRS). I still do not know for sure. However, that directly correlated to what came next and what followed.

55. On August 30 or 31, 2011 I went to the ex-parte desk at the local courthouse to file for modification of \$5,500 per month of spousal support. Eugene OR divorce attorney Bruce Newton came into line right behind me. I greeted him by allowing him to get ahead of me in line and joked that whoever was paying the bill would appreciate it. I glimpsed my name on whatever he was filing but continued explaining to him why I needed the modification. Next day I delivered some of the material to his office to give him an idea of what was being dealt out by Wells Fargo/Ogletree Deakins.

56. A couple weeks later I received a call from Gerry Gaydos, a local attorney. He explained that my guardianship of my retarded adult son (Andrew Justin Clark) was being taken away from me. It turns out that Bruce Newton was filing for that after I gave him my place in the ex-parte line. A home visitor was sent out and in weeks there was a hearing in front of Circuit Court Judge Holland.

Court hearings are recorded in Lane County and for \$10 anyone can get the audio. The audio hearing of Judge Holland is posted on www.WellsFargoWitz.com and on various Youtube channels, etc. It is several hours long and here are what I think are the most important facts:

1. I questioned the home visitor report and the judge declared it did not exist. The home visitor report is the entire basis of the hearing. Please note: it was not sealed. It was removed from the file as if it did not exist. The judge violated 18 USC 1519.
2. The son of attorney Bruce Newton's partner (Mr. Bromley) was living in one of my ex-wife's homes WHILE being the caregiver to my three retarded offspring (two were genetically tested to be affected with Fragile X, a genetic condition passed by a female carrier) WHILE attending law school.
3. Guardianship was removed because I was considered a threat of some form.
4. At that point I still did not have the police audio but I stated in court it appeared to be a downstream effect of police entering a threat report (most likely NIBRS) or being arrested for anything, especially by SWAT forces.

57. September/October 2011: I was then in FIVE different court proceedings and was borrowing large sums from my parents. The trespass matter had not yet been dismissed. The family court matter was in process. Spousal support modification was filed but not heard until February 2012, each month I was bleeding \$5,500 per month plus all of the ex-wife's endless attorney bills. In early 2011 my divorce-mandated life insurance expired as a decade had gone by. It took a lot of work and money but I was able to renew it before the hearing in which they wanted to find me in contempt of court for lapsed life insurance. That was in the local circuit court of Judge Carlson in February 2011. He went on to find that I was NOT in contempt of court. Instead he decided I was in PAST contempt of court for allowing it to lapse. Attorney Bruce Newton put in a cost bill against me for \$1800 and strangely...it was heard in September 2011 just to pile it on more. Would any of you Defendant appreciate such treatment?

58. I had tried to be both professional and nice to Wells Fargo and Ogletree Deakins. By October 2011 I was reduced to mass-faxing of sometimes nasty informational materials to industry participants.

59. In October 2011 Ogletree Deakins finally identified the specific items they claimed were in my posted FBI filing and mailed it to me in a letter (**Exhibit 6**). It is a handful of mostly repeating public records and certainly not \$75,000 or reason to be in federal court....except to feed the Mediation Mill of Mediator/Judge Michael Hogan.

60. I mass-faxed more informational material because Ogletree Deakins never responded to any question I asked but...they responded to off-color mass faxes. The 'method of operation' of employment attorneys is to demand a worker/victim ask questions ONLY of the attorney. Those questions whether in writing are completely ignored. However, if the worker/victim dares go around the attorney a dunning letter is generated that demands the worker/victim inquire only with the attorney. They harvest the fruit of the Humiliation they deal out. It is called 'emotional pretexting.'

61. In November 2011 harmless non-authenticated after employment fax nonsense was placed into Court "Under Seal" and became the basis of the 12.24.12 court hearing. I also received a couple very intimidating calls from Federal Marshall Service who called to complain on behalf of David P.R. Symes, then the branch manager of Portland's Ogletree Deakins office.

Exhibit 7 is a sample of the "**filed under seal**" hearing material they submitted in a United States District Court and incredibly...got a court hearing for. That is how they continued fee-gouging Wells Fargo while creating an illusion they had any reason to have SLAPP-sued me....a lowest level unemployed worker. I state here as fact: submission of nonsense from a company fax machine is contempt of court and just plain stupid. I also determined they had sealed all of my presentation leaving a totally one-sided record in PACER which I consider to be fraud of a federal system as well as obstruction of justice by concealing tangible evidence. It had ZERO to do with Wells Fargo and was only enriching Ogletree Deakins. I was then certain Wells Fargo would never condone such a hearing but years later it appears their management is kept completely unaware of anything important which in theory violates the Sarbanes-Oxley 'internal reporting' mandate.

I later found out that Hogan was one of the only judges who actually met with citizens at hearings and such. I also reasonably determined he was running a vast, long-term “Mediation Mill” and had various attorneys feeding him business which he then assigned to himself. In my case it violated 18 USC 455 and under the circumstances, Hogan was more “mediator” than “judge” which is why he is being sued. I later found out court staff do all the paperwork and the trusting judge allows his digitized signature to be placed on it. I found out the court staff get their input from....Ogletree Deakins et al who usually can pull it out of their nationwide document archive as boilerplate ad hominem attacks against their worker-victim.

62. The business details had become inconsequential to the retaliation and glaring defects and lack of transparency in the justice system. I had obtained, processed, and interpreted the police audio recordings from July 2011 and it is obvious to anyone there was an organized conspiracy against rights. However: because it was corporate actors who were using KNOWING and COGNIZENT State Actors such as attorneys who are all agents of the court, police and prosecutors... they are all included in the Racketeering Complaint for claim purposes as well as the Clayton Action and civil rights violations.

Wells Fargo/Ogletree Deakins Destruction of Family Legal Battery in all Courts – an Oregon State Bar Problem

63. The Wells Fargo situation is linked into the “family” court by both myself and Atty. Bruce Newton. The spousal support reduction hearing was in the February 2012 circuit court of Judge Valerie Love. The audio is divided into six parts and posted on www.WellsFargoWitz.com and various Youtube channels, etc. It is the first strong indication of a genuine conspiracy against rights by the judges as explained..

The hearing was actually a ‘Motion to Compel’ as I and attorney Bruce Newton both stated in court. We both motioned the court for a continuance. Judge Love excused herself from the courtroom and came back about 10 minutes. She is heard stating on the court audio that the “other judges” told her the hearing for spousal support was to

occur that day despite neither side wanting that.

Then Judge Love brought in a male deputy to yell at me. Armed security guards followed me around and attended all hearings. I attribute that to the Wells Fargo/Ogletree Deakins threat-painting and smearing activity via fraudulent use of systems such as NIBRS. They put the microphone that records right near my hand so whenever I put my hand down it made a loud noise giving the judge another reason to compel the embarrassed and uncomfortable deputy to yell at me more. My ex-wife was absolutely delighted the court was inflicting her spite. In that court hearing, I clearly related the Wells Fargo retaliation to the spousal support problem and asked for the help of the opposing attorney and the court. The \$5,500 was **not** reduced despite having no employment for going on a full year and being in every possible court process. I was also forced to pay a \$9,600 cost bill to her attorney Bruce Newton who by now had essentially stolen about \$125,000 in legal fees to date.

Hobbs Act (18 USC 1951) Violation #1

Ogletree Deakins abused court processes to award themselves a "Third Party Benefit Under Color-of-Official Right." They generated a \$1,700 bill for receiving faxes they used against me. Using official systems to bill fees with no hearing is STEALING.

64. I received notice of a telephone hearing of the local district court of Judge Michael Hogan. Wells Fargo/Ogletree Deakins paid to have the first two hearing transcribed. The third hearing was not transcribed until I paid for it in 2014. Judge Hogan is shown to not care one iota about my extreme personal situation. He had absolutely no case knowledge or involvement as evidenced by the "Motion 78" discussion. Leah Lively of Ogletree Deakins was on the telephone hearing and she was badgering the judge to tell her if Motion 78 was approved. At first he waffles, then he looks at his system and announces it was approved.

65. Motion 78 in Case 6.11.06248.ho was used by Leah Lively of Ogletree Deakins in the Dept. of Labor OSHA SOX "court" to obtain a directed verdict without any hearing or any consideration of relevant business information. They issued a 25 page report

(posted www.RisePatriot.com) that is a collection of boilerplate lies and innuendo. They denied every single allegation, sometimes in detail and added in all the mental health innuendo. Most shocking, they denied the proven mathematical certainty of the higher Wells Fargo interest rate despite having settled with Department of Justice in July 2011 regarding instances of exactly that. Difference being after the April 2011 Dodd – Frank changes all Wells Fargo retail production was “out of the market” with regard to rate which is perfectly legal but...impossible to sell. They denied the unpaid overtime, they denied the bogus sales practices...and Dept. of Labor/OSHA had absolutely no training or background in Sarbanes-Oxley retaliation. It was an attorney’s dog and pony show seldom won by a victim.

66. Getting back to the telephone hearing, transcript in PACER: Judge Hogan then sells me on his mediation services. Mediation happened in 45 minutes in the Chambers of Judge Michael Hogan in July 2012. I arrived dressed for business. Leah Lively was in one area of his chambers and I was in another along with a conservative but richly dressed woman who appeared to be in her 50’s. She was introduced to me by first name only and her affiliation and function was not told to me.

67. Mediator Judge Hogan dressed to disco wearing tight blue jeans, tan shoes and a shirt with the top button unfastened. A thick gold chain hung around the neck of the Honorable Judge. He started off by excusing the attire because he was leaving on a flight-out that evening. He received and responded or reacted to six text messages in the 40 minute session. He displayed no case knowledge again. He tried to bribe me up to \$100,000 tax free to silence my complaints.

68. I explained I earned c. \$200,000 per year so \$100k was not acceptable. Judge Hogan was noticeably startled and I went on to suggest my career and damages were worth approximately \$4 million at that time. He started to respond to me and I looked over to sense the reaction of the woman who was at the mediation session. Once again Judge Hogan yelled at me loudly to look at him only and rushed the woman out of the room and told me to accept what was offered or “he would issue a Notice for a Trial”.

69. I excitedly told him that is exactly what I wanted: a trial of facts. I told him to go ahead with the notice. I also told him I felt we were rushed due to his flight out and his text messages and suggested we get together for another session but I told him I really wanted a trial. At that moment, nervous looking security personnel swarmed the area so I left pronto. The Judge was whisked to a waiting vehicle for his ride to the airport. It was the last I heard from now-retired Judge/Mediator Michael Hogan.

70. I performed research showing that Judge Hogan had been using his position to enhance his mediation business. Hogan actively sought out cases and situations to mediate and then had the cases assigned to him. I asserted it was likely or possible that Judge Hogan was paid for our bogus session and his minimum fee appeared to be \$10,000 based upon his mediation website at that time. I asserted longstanding collusion with Leah Lively of Ogletree Deakins (and many other attorneys) that had essentially turned any and all employment complaints into a local mediation industry for benefit of Judge Hogan. The long-term implications of it all are disturbing.

71. Sometime in September 2012 Hogan's "court" ruled against me in all regards with no hearing of anything. I paid Eugene Oregon Attorney Barry Davis to file an appeal for me. At the same time I received notice that my freely owned home was going to be sold to pay my \$5,500 spousal support. That hearing is posted on www.WellsFargoWitz.com and it is brutal and uncaring. I was forced to liquidate my 401k that had my ex-wife as beneficiary. Since then the fund would have almost tripled in value but I had to sell it. Attorney Barry Davis took about \$12,000 from me for upcoming work on the appeal. He never filed a notice of appeal, much less any appeal at all. He actively lied to me repeatedly that he had the appeal under control.

72. Duplicity of Attorney Barry Davis was made clear to me in March 2013 when he informed me Ogletree Deakins had billed me \$1,700 for receiving my faxes...the same ones they used against me in all court proceedings. He said it was ordered in case 6.11.06248.ho despite it being a closed case in which he missed the appeal. Ogletree Deakins once against acted in a way to punish, retaliate, and stoke the war.

Wells Fargo/Ogletree Deakins Mafia-Style Kidnapping #2

With embedded Hobbs Act violation #2: awarding a coerced third party benefit under color of official right and under color of law.

73. I fired attorney Davis. He did little to nothing but steal my money without shame. I contacted Wells Fargo's conflict attorney in Des Moines about the Ogletree Deakins fax billing and he told me to call Ogletree Deakins about that so I did. Ogletree Deakins never returned my calls. I resumed my mass fax information distribution and brought throughput in June 2013 to 13,500 transmissions. I faxed to news agencies, attorney firms, government agencies, and law enforcement agencies such as Eugene Police and all the FBI offices in the United States. At that time I was faxing from my home computer using a fax modem and Centurylink Business Class communication services.

74. Most of my faxes followed the format we see all the time on internet news. I would use a shocking and often lurid "headline" in big letters followed by extensive boring business detail in normal size printing.

75. On July 18, 2013 two City of Eugene **Major Violent Crimes** Detectives came to my Tony Veach, Eugene Police Dept. advised me I was stalking Leah Lively and Ogletree Deakins and he orally prohibited me from communicating with Ogletree Deakins. I explained to them that FAXING is not STALKING and I had every right to communicate and that well-tested law does not allow police officers to stop communications absent of an imminent actionable physical threat. I explained that advertising come-ons were often a little off-color and pointed out most any communication was pure business of great importance. I explained to the two detectives I felt certain their visit was a "setup" for another false arrest and Det. Veach refused to record the conversation.

76. I offered police complete access to my home and paperwork. I implored them to stay and let me show them my evidence and they refused to even glance at it. No fax I sent was even vaguely a threat to anyone and as noted already they were all sent to FBI and other Law Enforcement over and over again. Only Ogletree Deakins found offense. I was extremely upset by the visit and felt strongly I was once again being set up...and I

was, this time far bigger and worse than the time before. **Major Violent Crime resources used to retaliate and conceal for Wells Fargo/Ogletree Deakins degraded public safety and is an insult to all taxpayers.** Plus...it does not take a genius to realize if Major Violent Crimes is sent for absolutely no reason except to roust me they already had a plan in motion to jail me for a major violent crime.

77. I live 100 miles away from Ogletree Deakin's secure office tower in Portland. I had not been to Portland nor was I alleged to be in or near Portland. They had police roust me many times at my home. I don't even know where they live and certainly would have the courtesy to not bother them at home. I took great pains to keep my communications within the business arena by using FAX instead of, say, Facebook or other social media. Obviously: Leah Lively of Ogletree Deakins is an attorney. Her staff collects material from the fax machine as I documented with online job postings for legal assistants showing it among their duties. They can throw it away and block my number. They can use well defined FAX laws against me. They can apply for a restraining order. Instead they chose to manufacture crime against me, corrupt our local district attorney's office, and have me arrested again. That is more profitable to them and it conceals Ogletree Deakins bank robbery via systematic pretexting of legal bills. By this time, the attorneys were definitely not working to protect Wells Fargo: they were working to conceal their lack of detailed business knowledge and to continue fee-robbing the Bank.

The law in Oregon and United States clearly allowed my communications. I claim that Dodd-Frank as interpreted by Wells Fargo *at that time* MANDATED I do all possible to communicate and Oregon has an exception for employment related communication but prosecutor Hasselman ignored it.

78. In Lane County OR there is a special office that handles 'restraining orders'. It is a mandatory first step before communications can be considered "stalking" or "harassment". Oregon has 'free speech' protections above and beyond federal law. Neither Ogletree Deakins or Leah Lively in Portland had filed for a communications restraining order like everyone else has to in order to obtain an arrest.

79. I continued faxing as fast as I could. Consider that police had been to my home five times in two years, always sent by Wells Fargo/Ogletree Deakins with the specific purpose and effect to taunt me for my inability to fend off their deadly legal assault for reporting them and Wells Fargo in detail to Federal Bureau – Investigation, etc.

80. Unknown to me at the time, Christopher Mixon, Chief Legal Counsel of Ogletree Deakins in Nashville was working with an attorney in Portland (Steven Seymour of Samuels Yoelin Kantor) who in turn was allowed a special visit with Lane County Oregon Major Violent Crimes Prosecutor Erik Hasselman. They were working on a stalking complaint. **Exhibit 8 are their own letters that document the deliberate and systematic manufacture of crime and public corruption. I found them after-fact buried in the piles of police paperwork.** I included a writeup to help the reader understand the context better.

81. **Important Detail:** Ogletree Deakins claimed an “imminent threat” in one of the letters to Eugene OR’s police/prosecutor from their secure Portland tower. That is what allowed them to get an arrest without a communications protection order. I confirmed in writing Ogletree Deakins bypassed Portland police...they reported no aspect of a threat at any time to authorities in Portland. If a person is “imminently threatened” they call their own police....not police in a city 100 miles away. Ogletree Deakins had not even put their building security on notice. I had not been near Portland for years and was not alleged to have been. It is 100% manufactured crime to retaliate.

82. It is complete and total invention and manufacture of crime along with a feigned threat. It was performed by Wells Fargo/Ogletree Deakins with clear collusion of state actors against a federal witness who had evidence parked in great detail while still employed and after. Criminal and Civil RICO were never so stark and well-documented due to police and court audio records. The attorneys then used their nationwide connections to conceal it in the courts.

83. On July 22, 2013 I accidentally faxed one (1) item to Ogletree Deakin's Portland Office. I was unaware of it. I obtain my fax numbers from websites and despite me removing their number from lists...it was still on one. Det. Tony Veach called me on 7.23.13 and asked me if I sent it so I checked my logs and confirmed to him I did. I later found out that my faxes were being automatically forwarded to Attorney Steven Seymour. I should have lied and denied it. My honesty was used to incriminate me.

84. On July 25, 2013 Det. Tony Veach called me at my home and said he needed to meet with me and asked me to drive down to the Albertson' supermarket, about a mile away. In Eugene Oregon when police make major violent crime warrant arrests their standard procedure is to make the driver remain perfectly still as police surround the car and open the driver's door, cut the seatbelt, and drag the driver from the car onto the ground facedown for handcuffing. The car is taken to impound and it will cost at least \$600 to get the car out of impound. The driver is subjected to cannabis and alcohol tests and criminally charged accordingly along with all else.

85. I rode my bicycle instead. Tony Veach was there as were some of his partners. They were all plain-clothes and they looked like old rumpled versions of 'Miami Vice' undercover police, several of whom have since left the force under allegations of sexual misconduct. Det. Veach advised me I was being arrested and ushered me towards an unmarked and somewhat old brown van. I got in and Det. Veach sat to my right. He closed the sliding van door and another of the plainclothes police officers drove.

86. I was **not** handcuffed and Det. Veach made a point of mentioning that in the written police reports. That is absolutely against police policy, especially for Major Violent Crimes. None of the arrest process was audio-recorded this time because police were keenly aware I would get it and pick it apart. I honestly felt what was happening and how it was happening was more like a mob hit and I was "going for a ride". I believed it is highly probable Det. Veach left me un-cuffed because he planned to murder me when I became enraged at being arrested over rightful communications. I realize that is speculation but that is how it appeared to me at the time and that is what I believed and still believe it actually was: setting the stage for another sad but

completely understandable police shooting of a citizen. Here in Eugene there have been several...but they are soon forgotten by all.

87. Det. Veach advised me I was under arrest for 10 counts of stalking Ogletree Deakins. He showed me the warrant. **Exhibit 9** shows 10 identically duplicated charges of stalking a corporation and one or its workers...via fax. I continue to assert that Stalking laws were not meant for corporate use and it is not possible to stalk a corporation (or rape or murder one). Notice that despite it carrying a potential penalty of 10 years in prison there was no Grand Jury. It was all done based on a corrupt prosecutor's "information" just as Ogletree Deakins perpetrated false arrest in Maricopa County AZ in the same timeframe (Exhibit 1).

88. Tony Veach also showed me the 10 faxes used to obtain the 10-times warrant during my ride to jail in the old unmarked van. I showed Det. Veach the fax receipt banner and pointed out that most of them were not to Ogletree Deakins. Det. Veach was fully aware of my informational fax campaign from his visit (home invasion) a week prior. Nothing I said mattered to him...obviously.

89. Lane County Oregon uniquely uses a crude computer program called Risk Assessment Tool (RAT) to determine pre-trial jailing and bail. It simply counts the number of charges and then exponentially increases the jailing and the bail amounts via "Risk Scores" that are entirely determined by number of charges. Once a person is charged with over 9 counts of anything they are considered highest risk and rarely get released prior to trial. It is a system that is well-known locally to place the punishment ahead of the trial. A judge approved use of the RAT system but the widespread fraud of the system has never seen the light of day due to attorney corruption of State functions.

90. Duplication of charges in this case and situation represent deliberate fraud of our justice system that directly affected my life and liberty. As a mortgage loan originator I would be terminated and banned from profession had I listed a liquid asset 10 times in attempts to secure a mortgage loan for a client. Yet that type of fraud appears to be the basis of United States criminal law.

91. This time I was placed into the actual jail. I was allowed out of my cell for two hours per day but with no regularity causing a sense of time distortion. At least once the 2 hours was denied so I was in-cell nearly 48 hours straight. It was absolutely brutal and precipitated every medical condition I have as a middle aged man. I learned from other inmates I was in a 'maximum security' area of the jail....pre-trial.

92. Sudden withdrawal from coffee and/or tea is extremely painful and debilitating. I asked for a cup of tea but was refused. I was told it was not available in jail. I also use cannabis for a well documented seizure disorder condition and I will go into seizure after a week or two without cannabis. At the time I was a Oregon Medical Marijuana permit holder which required a doctors records of a qualifying condition. I am also prescribed a minimal dose of Dilantin for the seizure condition in case anyone doubts that the condition is genuine.

93. I was subjected to what I consider a completely illegal in-jail pretrial hearing of some type. The transcript and court audio recording posted on www.RisePatriot.com or www.WellsFargoWitz.com . I was returned to my cell and was subjected to abject sensory deprivation and complete lack of physical exercise for a week. It caused all my pre-existing medical conditions to worsen significantly. On a positive note, the extremely calorie-restricted jail diet caused sudden weight loss despite being very uncomfortable while enduring it.

94. The Lane County Jail contracts for medical services and food services from national firms. Those contracts were new in Lane County in 2011. Lane County Jail has various areas of security and related brutality. I reported all that to our County Commissioners as soon as I was released on bail and also delivered to them a notice of intention to sue them per the law. I also reported suspicions or questions regarding contract kickbacks. It seems so easy for the state legal actors and the attorneys to steal pretty much whatever they wanted to and call it legal or consulting fees. Unlike any other industry... there is no limit to a legal fee. It can be, say, \$100,000 on a \$300,000 contract and nobody would ever know or question it. All I know as a taxpayer is we long ago paid for

that concrete building and we already give them plenty of money but every few years they go to the voters asking for ever more millions of dollars on "jail bed space". The jail/prison industry is a goldmine because prisoners and their families can't do a thing about it. So..telephone calls out cost a dollar a minute (or so) and corporations are forever peddling new gimmicks like ankle monitors that get terribly overused. I feel our local government leaders allow us to be robbed blind by people they trust. I reasonably know for a fact they will not enjoy wearing an ankle monitor or existing in their jails.

95. My bail was set at \$200,000 for the 10 identical charges of corporate manufactured crime. My elderly parents had to pony up \$20,000 and watch me being fitted with an electronic ankle monitor that was large and strapped on so it could not be removed. It is the absolute most cruel device. It is electronic castration and a modern day pillory. All studies ever done show they are both useless and greatly over-used. I implore the court to strictly limit the use of them. If you don't understand what it is...try one out for a week or....six months. You try going every week and paying \$100 for the torture of an ankle bracelet inflicted on mostly-men here in Lane County Oregon.

96. I also signed (obviously under extreme duress) a release agreement that included about 40 conditions on a pre-trial basis. For example, I could not shout, I could not buy lottery tickets, I could not engage in commissioned employment, I could not be in the Oregon Medical Marijuana Program.

97. I hired an attorney, not because I needed one but because the Judge in Jail strongly implied I needed one. I talked to several and they all were terrified and intimidated by the charges and the fact Erik Hasselman, Major Violent Crimes Prosecutor was personally handling the case. Each of them accused me of lying to them. Each of them told me that the District Attorney always waits for a Protection Order prior to arrest...even in violent local family situations where people end up getting killed or wounded. No matter what I said...attorneys clearly told me that if Erik Hasselman is prosecuting the State considers my conduct to be an extreme threat and there must be more to the charges than I was telling them.

98. Laura Fine-Moro was my first attorney. She took my money and researched the law and concluded my conduct was not stalking under Oregon law. Still: she yelled at me and scolded me...she even said "how would you feel if your sister or mother received faxes like that?" I politely told her that was irrelevant and that both my sister and mother would enjoy faxes like that, especially if earning \$250,000 per year (or whatever) as Ogletree Deakins attorney.

99. I later met her Laura Fine-Moro new husband on the courthouse stairway.... a flamboyant pirate of a man who had significant hair, piercings, and colorful clothing. He happened to work on the Lane County Prosecutor's staff causing me to sense weird possible conflicts of interest.

100. When I felt Laura Fine-Moro was misrepresenting me by refusing to file a demurrer I fired her. In Oregon demurrers have short timeframes and delays in police evidence production and then outright refusal to file a demurrer caused it to be problematic later.

101. I filed for modification of release conditions (ankle bracelet) as Pro Se. I was insultingly refused. Transcript and the actual court audio:

www.RisePatriot.com/JudgeVogt.html . It absolutely proves complete trust (blind faith) in a computer model to determine the fate of a human being. It used to be called "The Religion of Science" and we used to know that "Garbage in, Garbage out" but now, the way data is input into court systems is the de facto law in a given case. Here is an excerpt from the Exhibit:

"I do rely on the risk assessment tool and I think your arguments today have been intelligently made, I think part of the problem is that you are um, combining a couple of different legal issues into one that normally are not combined. One is that the Risk Assessment Tool has given you certain scores and you are basically contesting you shouldn't have those scores, that is one. Two is really a demurrer issue because you want to challenge the charging document which is not what we are here for today and that motion is not here before me. I would note that the Risk Assessment Tool has been validated and I'm one of the folks who monitors that frankly as the chief criminal judge of this bench. And on the scores you show high in every category, sir. Your

danger score is 79.5. Now I noted with my staff that that is true even after they removed some criminal history because there wasn't a record of it because it is old from 1979 um, but the danger score is still 79.5 and I will tell you HIGH is 21. So, your CBR score is also 354. Me: what does that mean? Judge: um, its the scoring level um, the CBR? That is the capacity based release score which is why you are out on security and ankle bracelet. Your re-offense score and your FTA score are also high and so given those FACTS, a lot of the things you are talking to me about today have to do with me with me making a determination about the truth of allegations on um an unsworn statement. So I really can't base my decision on that sir, I need to base my decision on the risk assessment score in the file and the reports and the documents that are provided. I recognize that you do contest that and I am not diminishing in any way your position on contesting that. However, I am required to treat everyone similarly who are in similar situations. I can't treat one person differently than the other when they are in similar situations. And anyone who is out on a release agreement with these scores will be on an ankle bracelet, ok, because it is appropriate.

102. I hired Oregon Attorney Kevin Bons next. He was shocked and dismayed by what he genuinely thought was an abomination of justice. The first thing he suggested was a demurrer, the same instrument as Attorney Fine-Moro refused to file claiming it was "unethical". The demurrer hearing was on November 5, 2013 and I went dressed in a suit as usual. Getting past security with the ankle bracelet required a special search in front of everyone because the ankle bracelet beeps. The hearing was in the courtroom of Judge Jay McAlpin which was right near the public windows with long lines of fellow citizens waiting to conduct public business.

**Illegal Search and Seizure Based on Forged Affidavit and Judicial Fraud
All My Computers Were Taken By Police. They Kept Them Four Years .
Per Police Reports, they Opened US Mail Without a Warrant**

103. The hearing transcripts and court audio was placed in PACER in my prior cases and obstructed. They can also be accessed at: www.RisePatriot.com or www.WellsFargoWitz.com Another Judge (Rooke-Ley) had ordered an arrest because they claimed a urine test showed positive for cannabis AND my ankle bracelet showed I was in or near a Cannabis Dispensary. To the shock of my attorney, I was taken out to the most public area and placed into handcuffs. The demurrer hearing had to wait until the next day and the Judge got to see me in jail suit and handcuffs. It was very

prejudicial and of course the demurrer was denied and I was returned to brutal jailing. That transcript and audio is posted: www.RisePatriot.com

104. Prisoners are held in the courtroom jail waiting transport. There is no drinking water and there is only a metal bench with a rim. It appears it was designed to hold a mattress long ago. After hours I could not stand the thirst any longer. I was compelled to flush the toilet and drink out of it. The veneer of our civilization is paper-thin and this is just one more act of Tampering in an endless string of civil rights violations dished out by sadistic court workers.

105. I demanded of each attorney they find a way for a judge to look at the “evidence” and realize it is a bunch of harmless faxes to Portland Oregon. Turns out that the Prosecutor’s staff input whatever they want into a system and someone on the judge’s staff rubberstamps it, no matter how absurd. The trusting, hapless judges do not see the case in advance and thus have no real option but to “order” whatever the staff placed into the system. That was made public as part of a recent local dispute between Judge Mooney and Judge Vogt/Erik Hasselman. In Lane County OR there are no ways to meaningfully contest something as absurd as 10-times duplicated misdemeanor case subjecting a citizen to 10 years in prison initiated entirely via District Attorney “information”. In theory, they would look at it on ‘eve of the trial’ but in Lane County the judge will simply do whatever the staff wrote in the system. Even if a judge were to honestly review it it is unlikely he would simply dismiss the charges because of the extreme expense and resource commitment of the State and the fact of witnesses being called. Oregon’s demurrer law is limited and vague, as I pleaded to the court with FRCP 5.1 and Federal Rules of Appeal Procedure 44 (FRAP 44) filings, both in PACER.

106. In addition to being rearrested in court Det. Veatch served me with a search warrant of my home. The search warrant was badly forged by either Erik Hasselman or Tony Veatch. They appeared to have rushed the forge job...it is that crude and obvious. It is not notarized. **The 8 page affidavit was most likely written by Erik Hasselman and forged by him.** The basis of the search warrant was an exact duplication of the original arrest material 4 months prior. That is another instance of

fraud of justice systems in behalf of the corporate actors in order to retaliate, punish, and silence me at any cost. I had a lawsuit against them in process and all the working papers for that were on the seized computers. That further complicated court submissions.

107. I was taken to the most secure part of Lane County Jail where they keep the really bad cases. I was only allowed out of the cell 1 hour per day instead of 2. I was housed right across from an inmate I later learned was named David Taylor. He was awaiting his second murder trial and was placed on death row at the Oregon State Penitentiary. I am certain that police or prosecutor felt they would find something in my home or on my computers. It was a fishing expedition. They failed. My computers were all seized but curiously, my fax machine was left there.

108. Bail was set at \$400,000 for the re-arrest. My parents had to pony up \$40,000. Bail now totaled \$600,000. Kevin Bons is an excellent attorney but he had never seen anything like it. He did not seem to understand I had 30 days to make a motion or I would forfeit the entire original bail amount of \$200,000.

109. A week before the deadline I was forced to fire attorney Kevin Bons. He is a very good human being and a wonderful attorney but he was in over his head. I retained a renowned Trial Lawyer named John Halpern. He really wanted me to take it to trial and he collected \$15,000 from me as a set fee that would pay for all services through a trial. He successfully motioned away the \$200,000 forfeiture, the hearing for that was on the last possible day.

110. Once or twice per week the home telephone (mandatory for pre-trial release) rang between 1 am and 4 am waking up the entire household. They claimed they could not get a good signal from the ankle monitor so they were calling to make sure I was home as required. That was just one more added layer of deliberate abuse of me and the entire household.

111. I think this fact is very important: In November 2013 while in ankle bracelet under

10 identical charges of stalking Ogletree Deakins I called local FBI and implored the Agent of the Day to allow me time to relate the evidence I parked there, now that I honestly felt my life was threatened. He was a long term FBI agent named Ken Jamison and it took some talking to get an appointment. I went down in person and met in FBI's office. He allowed me one hour.

112. I showed him the police reports from 2011. He went through them in great detail. He asked a few questions. When he was done, he stated that police action seemed "suspicious". I asked what that meant and he said he would bring it to our local United States Asst. Attorney General to see if it should be investigated. I brought the written material....about a foot of paper...over to Asst. Attorney General Chris Cardini. Eventually I received a rather dunning letter from him telling me there was nothing to investigate and to pick up my paperwork. I left it at his office.

113. According to Attorney Halpern, a picture of me and a threat profile had been posted on the wall right between the chambers of Judges Rasmussen and Vogt, our presiding judges. Attorney Halpern told me in his decades he had never seen such a thing. I was also followed all around the courthouse by Sheriff's Deputies. I learned they were assigned to follow me around because I was considered a special threat. That was another aspect of abuse Attorney Halpern had never seen before, even for actual serious violent criminals. It further indicates corruption of the judiciary.

114. Towards the end of December 2013 I read that National Institutes of Health published a warning in June 2013 against more than 6 hours of cellular signal contact per day. The ankle bracelet device uses cellular signals and is strapped to the bone. As irrational as it seems, that begin to go around and around in my mind and I just had to get out of the ankle monitor. That and along with the realization I would probably not live through a trial (if ever they had one) and incarceration caused me to seek a plea bargain. I realized I would not be able to fight back from prison.

115. The plea agreement was for ONE count of stalking. Had that been charged in the beginning I would not have been jailed and financially abused. There would have been

no ankle bracelet or pretrial conditions. I understand some people have multiple charges but in my case it was 10 absolutely identical charges of stalking Ogletree Deakins...a corporations...and one of its workers, the “vulnerable woman victim” attorney Leah Lively who is married to a law enforcement officer and destroys human beings deliberately for money from the safety of a secure Portland office tower. It is pure, unadulterated fraud and lies...from attorneys.

The plea bargain hearing transcript and court audio is posted: www.RisePatriot.com

116. The plea bargain (**Exhibit 10**) awarded Leah Lively a stalking protection order under a different case number. That has the effect of making it look to all as if I have two crimes against me instead of the one bargained for. Meanwhile....no resource was spared for Wells Fargo/Ogletree Deakin’s deadly retaliation and FBI witness/informant tampering or covering up their very bad decision of trusting employment attorneys.

117. I was also ordered to seek mental health evaluation but Erik Hasselman and I specified in my plea bargain that I would not have to accept treatment and the judge went with it. That created a problem for the evaluation company because their profession appears to link evaluation and treatment. It speaks for disregard for public safety and the over-eagerness of prosecutor to gain a conviction against me: they considered me to be a crazy violent stalker and even if so evaluated...no treatment needed. I later learned the most if not all “convicts” are “ordered” to pay several hundred dollars for the dog-and-pony-show mental health contractor.

118. The award of that protection order and the ‘no contact orders’ to Steven Seymour of Samuels Yoelin Kantor are third party benefits awarded under color of law and under duress. They represent a classic violation of 18 USC 1951, “The Hobbs Act” which is just one more major violation that absolutely cements the RICO allegations.

119. On a positive note: I was instantly and suddenly no longer considered a major violent threat. I went to get the ankle bracelet cut off. I eventually got all but \$1,500 of the bail deposits back. It was over for the most part now that Ogletree Deakins/Wells

Fargo had done everything to me short of outright murder (which Det. Veach may have been aiming for as described previously).

120. The facts of my lawsuit never saw the light of day. I spent a lot of time and money on court submissions and government reporting in accordance with Wells Fargo Policy and the Law. The attorneys collectively committed fraud of the federal case management system. The system appears to have few edits and relies on trust. It systematically dismisses RICO cases no matter how well documented they are. The end result of all court processes was Ogletree Deakins being permitted to enter whatever they wanted and it became an order of the court regardless of how wrongful or ridiculous.

121. I tried hard to avoid filing another lawsuit (this one) by appealing the cases and inputting FRCP 60(d)(3) motions. Those processes were under color-of-law and played out by court clerks using scoring systems to dismiss cases without reviewing them for unheard facts/evidence. From all I could tell, the court simply allowed Defendants to write and submit anything they wanted...so they did and it is all captured in PACER for all of time. The attorneys wasted several years and most likely allowed them to continue generating fee bills for Wells Fargo to pay. Those processes also obstructed the facts and evidence I discovered and had placed into the court for adjudication or alternate dispute options.

Continued Concealment of Evidence and Obstruction of Justice
by Coordinated Activity of Public and Corporate Attorneys

122. Attorneys Christian Rowley and Peter Urias (et al) at Sayfarth Shaw were brought in to respond to my lawsuits against Wells Fargo. Christian Rowley refused to confer and specifically stated that he did not have to look at my evidence. Mr. Rowley brought in a "Pro Hac Vice" (David Campbell et al) to file obstructive pleadings devoid of relationship to reality; it is more machine produced boilerplate that means nothing at all except big fee billings paid by the Clients they are fee-gouging.

123. The State of Oregon, Lane County, and City of Eugene each permitted their representative attorneys to refuse any form of conference on facts and evidence and then each of them engaged in obstructing their hearing or 'due process'. Worst appears to be State's attorney Vanessa Nordyke who motioned for extra time to respond in **6:14-cv-01103-jr**. The boilerplate she submitted appeared to have been prepared by an external law firm or legal service at taxpayer expense. If so, I would like to "discover" which firm was paid how much for creating a pile of typical boilerplate that was used to obstruct facts and evidence in this banking employment retaliation complaint. A year later, Vanessa Nordyke was named "President" of Oregon State Bar Assn. Sabastian Newton-Tapia and Ben Miller played what appeared to be a well-practiced, devious game in concert with each other designed to bury me along with the evidence. It is documented in PACER for the case using a FRCP 60 d-3 filing and other pleadings.

124. Benjamin Gutman is Solicitor General for Oregon. He has a law degree from Yale. The State of Oregon under authority of Attorney General Ellen Rosenblum permitted Benjamin Gutman from Yale to continue obstructing the hearing of simple facts and evidence of personal harm by Defendants for several years in the Appeals Courts. Meanwhile, State of Oregon was in the process of collecting tens of millions of dollars from Wells Fargo for the bogus account "scandal" that I and many other workers reported years before to every conceivable agency.

I would like to "discover" how much money was awarded to Oregon and how much attorneys billed the State for administering the Wells Fargo settlement. That set of circumstances is why Ellen Rosenblum is being sued for Racketeering, Civil Rights Violations, Obstructions, etc. I used certified mail to deliver copies of my lawsuits and pleadings to her and I don't believe she ever saw any of it due to staff procedures that keep leaders in the dark. I am confident Ellen Rosenblum will be disgusted by what was perpetrated here in Lane County Oregon in this banking employment retaliation complaint.

125. One cold winter day I noticed climate protesters near the courthouse in support of a lawsuit against the United States by a group of children. I went home and looked the

case up. I concluded Eugene OR District Court at that time was run by a gaggle of unseen staff who allowed attorneys Ogletree Deakins et al to operate court systems as if they owned them. The trusting judges were reduced to well-meaning figureheads by court staff who fraudulently use the official system to simulate an actual legal process.

From top-to-bottom, I documented a completely unregulated legal industry. Attorneys in Oregon (and likely elsewhere) are able to inflict all manners of human punishment and make it look legitimate by falsifying the computer system records. They freely mine information and use it against people and companies. They are able to get ridiculous articles in local/national media supporting their abject nonsense such as the "carbon inventory" the children were seeking prior to their case being dismissed in appeals. An **exhibit within Exhibit 11** is my Amicus Curiae briefing about that filed in the 9th Circuit Court of Appeals.

126. Exhibit 11 is an Amicus Curiae briefing I filed in a New York District Court. I also mailed it as a crime report to Federal Bureau Investigation, Secret Service Agency, and to Attorney General at Dept. of Justice. Another **exhibit within Exhibit 11** is what appears to be a completely forged highly prejudicial local "Order" that was used to dismiss my prior damage recovery lawsuit (and the facts/evidence) with no discussion or hearings. Christian Rowley, Peter Urias, and David Campbell were apparently the RICO Actors who perpetrated that forgery, which under the circumstances is tantamount to murder of the American Justice System.

I swear under penalty of perjury and the law that the above declaration is true.

Signed, 

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February 14, 2020. OperationSunriseLaw@gmail.com
EXHIBITS FOLLOW THIS PAGE.